IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

WRIT PETITION NO : 6328 of 1995

Between:

1 Kogana Peda Rami Naidu S/o.Late Tatannaidu
R/o.Vatapagu Village and Post Palakonda Mandal, Srikakulam Dist.
2 Midetana Pattabhi S/o.Late Appayya
R/o.Vatapagu Village and Post Palakonda Mandal, Srikakulam Dist.
3 Podilapu Sanjeevinaidu S/o.Late Surapunaidu
R/o.Vatapagu Village and Post Palakonda Mandal, Srikakulam Dist.
4 Midetana Suryanarayana S/o.Late Appayya
R/o.Vatapagu Village and Post Palakonda Mandal, Srikakulam Dist.
5 Vavilapalli Venkata Naidu S/o.Late Chinnamnaidu
R/o.Vatapagu Village and Post Palakonda Mandal, Srikakulam Dist.
6 Mullu Sanyasi Naidu S/o.Late Chinnappala Naidu
R/o.Vatapagu Village and Post Palakonda Mandal, Srikakulam Dist.
7 Koppara Bodamma W/o.Late Surisetti
R/o.Vatapagu Village and Post Palakonda Mandal, Srikakulam Dist.
8 Varada Peda Narsi Naidu S/o.Late Yerramnaidu
R/o.Vatapagu Village and Post Palakonda Mandal, Srikakulam Dist.

..... PETITIONERS

AND

1 The District Collector, Srikakulam District, Srikakulam.
2 The Revenue Divisional Officer, Palakonda, Srikakulam District.
3 The Mandal Revenue Officer, Palakonda Srikakulam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the

circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, directing the respondents to leave out the lands of Vatapagu Village which were the subject matter of the Land Ceiling cases Nos.806,807, and 808/75 Palakonda, before the Land Reforms Tribunal-cum-Addl.Revenue Divisional Officer (L&R) Srikakulam to the petitioners and their family members who are the cultivating tenants thereof under the declarants, or in the alternative, to assign those lands to these petitioners and to their family members who are land less poor persons and not to disturb their possession declaring that the attempts of the Revenue Authorities to dispossess the petitioners from the lands of Vatapagu Village which were the subject matter of the above land ceilings cases without considering their entitlement under Sec.14(6) of the Land reforms Act, or for Assignment, is highly arbitrarily, capricious, illegal, contrary to law, opposed to the principles of natural justice and fundamental rights of the petitioners.

Counsel for the Petitioners : MR.D.RAMALINGA SWAMY

Counsel for the Respondents : GP FOR REVENUE

The Court made the following :

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ORDER :

Heard learned Counsel for the parties. Counter is filed.

Petitioners want that certain lands, which are declared excess lands in terms of the Land Ceiling Act, be assigned to them as they are landless poor. These facts have not been accepted in the counter completely. It is stated, some of the petitioners are owners of land and they own land. It is also contended that the lands, which were surplus, have already been allotted. In these circumstances, it becomes difficult to pass any directions. But the Counsel for petitioners submit that the lands which had been distributed, were stayed by this Court in this Writ Petition and also by the District Munsiff, Palakonda in I.A.No.179 of 1993 in O.S.No.45 of 1993 and the consequences of litigation are not known.

In these circumstances, the Writ Petition is disposed of with a direction that if any land is available and if the petitioners are eligible, their cases may be considered. No order as to costs.

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(BILAL NAZKI, J)

04th November, 2004.

ajr

To

1 The District Collector, Srikakulam District, Srikakulam.
2 The Revenue Divisional Officer, Palakonda Srikakulam District.
3 The Mandal Revenue Officer, Palakonda, Srikakulam District.

4 Two C.Cs. to the G.P. for Revenue, High Court Buildings,

Hyderabad (O.U.T).

5 Two C.D. copies.